

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PHILIP LOPEZ,)	
)	
Plaintiff,)	
)	
v.)	No. 4:19CV3310 RLW
)	
AREFE BEREKET, et al.,)	
)	
Defendants.)	

ORDER OF DISMISSAL

This matter is before the Court on Plaintiff Philip Lopez's Response to Order to Show Cause Requesting Additional Time to Obtain Service Upon Defendant Arefe Bereket (ECF No. 15), which the Court construes as a motion for additional time or, in the alternative, for voluntary dismissal without prejudice.

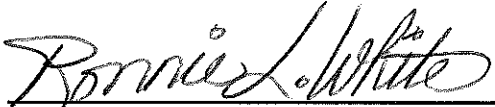
On February 25, 2020, the Court ordered Plaintiff to show cause why this action should not be dismissed as to Defendant Bereket for failure to execute timely service in compliance with Federal Rule of Civil Procedure 4(m). (ECF No. 11) On March 9, 2020, Plaintiff's initial counsel filed a motion to withdraw and new counsel entered his appearance. (ECF Nos. 13 & 14) On March 10, 2020, Plaintiff's new counsel timely responded to the Show Cause Order. (ECF No. 15) In the response, Plaintiff's new counsel explains the prior attempts at service upon Defendant Bereket and requests an additional 90 or 120 days to obtain service. In the alternative, Plaintiff's new counsel moves to dismiss the entire action without prejudice. On March 12, 2020, Defendant Postmates, Inc. submitted a memorandum stating it does not oppose dismissal without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Philip Lopez's Response to Order to Show Cause Requesting Additional Time to Obtain Service Upon Defendant Arefe Bereket (ECF No. 15), which the Court construes as a motion, is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff Philip Lopez's claims against Defendants Arefe Bereket and Postmates, Inc. are **DISMISSED without prejudice**, each party to bear its own costs.

Dated this 13th day of March, 2020.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE